

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,) 3:99-cr-00064-HDM-PHA-2
12 Plaintiff,)
13) ORDER
14 vs.)
15 DALE WARD,)
16 Defendant.)
-----)

17 Rene L. Valladares, Federal Public Defender, and Nisha Brooks-
18 Whittington, Assistant Federal Public Defender, have filed a motion
19 to withdraw (#383) as defendant's counsel of record. The court
20 received and reviewed the reduction of sentence report on defendant
21 prepared by probation. The report concludes defendant is ineligible
22 for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2), Amendment
23 782, and pursuant to U.S.S.G. § 1B1.10, effective November 1, 2014,
24 as he was sentenced to the statutorily required sentence of Lifetime
25 imprisonment.

26 The court appointed defendant counsel to determine whether he
27 qualifies for a reduction of sentence. Based upon probation's report,
28 counsel does not intend to file a motion for a reduction. The court

1 will therefore grant the motion to withdraw.

2 Prior to the appointment of counsel, defendant filed a motion for
3 sentence reduction under Amendment 782. The court does not find a
4 response from the United States Attorney's office is necessary for a
5 ruling on defendant's motion. Defendant was sentenced to the
6 statutorily required sentence of Lifetime imprisonment and is
7 therefore ineligible for a sentence reduction under the amendment.

8 Accordingly, defendant's motion to withdraw (#383) is **GRANTED**.

9 Furthermore, defendant's motion for sentence reduction under
10 Amendment 782 (#380) is **DENIED**.

11 IT IS SO ORDERED.

12 DATED: This 21st day of October, 2015.

13 *Howard D. McKibben*
14

15

UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28